

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

VICKY RODRÍGUEZ TORRES, LUIS RAFAEL  
MALDONADO VALLANT, AND THEIR  
CONYUGAL PARTNERSHIP

Plaintiffs

v.

GOVERNMENT DEVELOPMENT BANK FOR  
PUERTO RICO, JAVIER RAMOS LUIÑA,  
ENID LÓPEZ LÓPEZ, ÁNGEL PÉREZ  
RIVERA, JORGE IRRIZARY HERRANS, LUIS  
I. ALFARO MARTÍNEZ, MARINE COMAS  
TORRES, NAPHIS TORRES PADRÓ,  
EDGARDO RODRÍGUEZ NIEVES, AND ABC  
INSURANCE

Defendants

CIVIL No. 09-1151 (JP)

TITLE VII VIOLATIONS, AGE &  
SEX DISCRIMINATION, TORTS

PLAINTIFF DEMANDS A TRIAL  
BY JURY

**GDB'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES,  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

**FROM:** Government Development Bank  
c/o Schuster Aguiló LLP  
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San Juan, PR 00936-3128

**TO:** Plaintiffs  
c/o Miguel A. Cuadros Pesquera  
Centro de Seguros Bldg., Suite 215,  
701 Ponce de León Avenue,  
San Juan Puerto Rico 00907

**COMES NOW** Defendant, Government Development Bank ("GDB" or "Defendant"),  
through its undersigned counsel, and submits its responses to Plaintiff's First Set of Interrogatories  
and Request for Document Production.

### **PRELIMINARY STATEMENT**

The GDB has not completed the investigation, discovery, or analysis, of all the facts of this case and has not completed preparation for trial. Accordingly, all of the following responses are provided without prejudice to the GDB's right to supplement or amend discovery responses pursuant to the terms of the Federal Rules of Civil Procedure, or introduce at trial any evidence that is subsequently discovered relating to proof of presently known facts and to produce and introduce all evidence whenever discovered relating to the proof of subsequently discovered material facts. Moreover, facts, documents and things now known may be imperfectly understood and accordingly, such facts, documents, and things, may not be included in the following responses. The GDB reserves the right to reference, discover or offer into evidence at the time of trial any and all facts, documents and things notwithstanding the initial responses and objections interposed herein. The GDB further reserves the right to reference, discover, or offer into evidence at the time of trial any and all facts, documents, and things which it does not presently recall but may recall at some time in the future.

### **DEFINITIONS**

The following definitions are incorporated by reference in all of defendant's specific responses and objections to Plaintiff's First Set of Interrogatories:

1. "Irrelevant" means not relevant to the claims or defenses of any party involved in the pending action and not reasonably calculated to lead to the discovery of evidence admissible as to those issues.
2. "Impermissibly overbroad" means irrelevant, burdensome, and unnecessary to the extent the set of interrogatories seek: (1) information about individuals or entities not parties

to this action; and/or (2) information pertaining to persons, activities and/or events that are outside the scope of the present litigation.

3. "Vague" means ambiguous or not specified with reasonable particularity.

4. "Unduly burdensome and oppressive" means that: (1) it is impossible to produce such document or information in a complete and sufficient manner without making a complex or onerous investigation; (2) the collection or reproduction of such document or information is financially burdensome or unfeasible; or (3) the document or information sought has been previously produced to a party within this action and served upon every attorney involved in the litigation.

5. "Plaintiff" or "Rodríguez" means Vicky Rodríguez Torres.

6. "GDB" means Government Development Bank.

#### **GENERAL OBJECTIONS**

1. The GDB objects to Plaintiff's Interrogatories on the grounds that they seek disclosure of information protected by the attorney-client and work product privileges.

2. The GDB objects to Plaintiff's Interrogatories to the extent that Plaintiff's definitions and instructions purport to impose requirements beyond the Federal Rules of Civil Procedure and/or purport to give meaning to terms beyond defendants' normal connotation.

3. The GDB objects to Plaintiff's Interrogatories insofar as they seek information concerning matters unrelated to the subject matter of this lawsuit, on the ground that it is overly broad, unduly burdensome, and seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.



4. The GDB objects to Plaintiff's Interrogatories to the extent that they are not limited in time frame and are overly broad and unduly burdensome because they are more than inclusive of the relevant time period at issue in this case.

5. The GDB objects to Plaintiff's Interrogatories to the extent that they call for information that is not currently in defendants' possession, custody, or control.

6. The responses set forth below are made without in any manner waiving (a) the right to object to the use of any response for any purpose in this action or any other actions, on the grounds of privilege, relevance, materiality, or any other appropriate grounds; and (b) the right to revise, correct, supplement, or clarify any of the responses provided below, at any time.

These General Objections are applicable to each and every one of the following responses and objections, and failure to repeat an objection in response to a specific interrogatory is not a waiver of the objection. Further, when the GDB specifically repeats one or more of these general objections in response to a specific interrogatory, such specific response is not a waiver of these general objections.

Subject to and without waiving these general objections, and subject to and without waiving the specific objections noted below, the GDB responds as follows:

**SPECIFIC INTERROGATORIES AND RESPONSES**

**1. Supplemented Interrogatory No. 1**

Most items listed at subsections (a) thru (i) and (n) thru (p) are maintained in Lawson Human Resources and Benefits and Lawson Payroll. Items listed at subsections (j) thru (m) are maintained in manual records.

**2. Supplemented Interrogatory No. 2**

The GDB objects to this interrogatory as overbroad and irrelevant to the claims raised in the Complaint or defenses raised by defendants in their Answer. Moreover, the burden and oppressiveness of responding to this request outweighs any probative value the information sought might have in the instant case. Notwithstanding this objection, and without waiving it, the GDB submits its information technology infrastructure is composed of a significant number of applications running on multiple platforms, including an IBM mid-range system (iSeries Type/Model 9406-520) and approximately 40 Intel-based servers.

**3. Supplemented Interrogatory No. 3**

The GDB objects to this interrogatory as overbroad and irrelevant to the claims raised in the Complaint or defenses raised by defendants in their Answer. Moreover, the burden and oppressiveness of responding to this request outweighs any probative value the information sought might have in the instant case. Notwithstanding this objection, and without waiving it, as to subsection (a) of the interrogatory, the GDB submits its operating systems are composed of an OS/400Level V5R4MO, Microsoft Windows Server (including 2000 server, 2003 server, 2003 Enterprise Edition, 2008 Server) Linux, Windows XP and Windows Vista; as to subsection (d) of the interrogatory, the GDB submits that insofar as plaintiff's claim relates, in part, to claims in connection to positions she has held, some data related the same could ostensibly be stored in the Lawson servers.

**4. Supplemented Interrogatory No. 4**

The GDB objects to this interrogatory as overbroad, and irrelevant to the claims raised in the Complaint or defenses raised by defendants in their Answer. Moreover, the burden and oppressiveness of responding to this request outweighs any probative value the information sought

might have in the instant case. Notwithstanding this objection, and without waiving it, the GDB, submits that, as a heavily regulated banking institution has upwards of 100 applications and software programs, including desktop productivity tools, integrated ERPs, database management systems and numerous applications for banking, investment and treasury operations.

**5. Supplemented Interrogatory No. 5**

The GDB objects to this interrogatory as overbroad and irrelevant to the claims raised in the Complaint or defenses raised by defendants in their Answer. Moreover, the burden and oppressiveness of responding to this request outweighs any probative value the information sought might have in the instant case. Notwithstanding this objection and without waiving it, the GDB submits it employs a Microsoft Exchange Server 2003 Enterprise Edition. As to subsection (a) the GDB submits it employs an Exchange Server and workstations; as to subsection (b) the GDB submits its external connectivity is allowed to authorized users using GDB issued laptops with a VPN client and to GDB employees via Outlook Web Access (OWA). A limited number of executives also have access using GDB blackberry personal digital assistants; as to subsections (c) and (d) all responsive documents have been produced to plaintiffs as initial disclosures, in the responses to the First Set of Interrogatories or through subsequent supplementation; as to subsection (e) each individual defendant verified his/her documents, electronic or otherwise to identify information relevant to plaintiff's allegations of discriminatory transfers and failures to promote.

**6. Supplemented Interrogatory No. 6.**

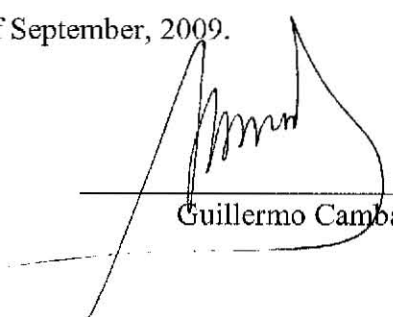
The GDB objects to this interrogatory as overbroad and irrelevant to the claims raised in the Complaint or defenses raised by defendants in their Answer. Moreover, the burden and oppressiveness of responding to this request outweighs any probative value the information sought



might have in the instant case. Access to applications and systems is controlled by a unique user ID composed of a username and password configured on the Active Directory (Microsoft). As described in procedure MAS-700-01, this password is temporary and must be changed by the user during the first logon, otherwise, access to the GDB's network and applications will be denied. This process will ensure that the unique id is only known by the user to whom it was assigned. Other security policies include MAS-700-01, Activation, Modification and Deactivation of System Access; MAS-700-02 Control of Periodic Password Changes; MAS-700-03 Revisions to Information Systems Access; MAS-700-04 Handling of Petitions for Internet Access Logs; MAS-700-05 Handling of Claims regarding denial of Internet Access; MAS-701-01 Activation, Modification and Deactivation of Physical Access; MAS-701-02 Monitoring of Physical Access Logs; MPA-200-01 Building Entrance Control; MPA-200-10 Requests for Access to Information Systems, Physical Facilities and during Emergency Situations; and MPA-200-11 Information System Password Actualization.

I, Guillermo Camba, under penalty of perjury declare that the foregoing is true and correct based on my best personal knowledge, recollection and information made known to me.

In San Juan, Puerto Rico, this <sup>7<sup>th</sup></sup> day of September, 2009.



Guillermo Camba

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 9<sup>th</sup> day of September, 2009.

**WE HEREBY CERTIFIED** that on this same date, the original of this document has been served **by hand** on plaintiffs' attorneys of record **Miguel A. Cuadros Pesquera** and **Olga M. Benítez Quiñones**, Centro de Seguros Bldg., Suite 215, 701 Ponce de León Avenue, San Juan Puerto Rico 00907.

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A large, stylized handwritten signature in black ink, appearing to read 'Mariela Rexach-Rexach', is written over a horizontal line.

**Mariela Rexach-Rexach**

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Plaintiffs

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Defendants

CIVIL No. 09-01151-JP

TITLE VII AGE & GENDER DISCRIMINATION,  
TORTS

TRIAL BY JURY

SUPPLEMENTED DISCOVERY REQUESTS

Supplemented Interrogatory 1

List all data bases and data structures which GDB maintains or has maintained, and which are now in its possession, from which statistical information can be obtained or produced to determine, for individual employees or for applicants for employment, all or any part of the biographical data or conditions of employment listed below:

- a. gender;
- b. age or date of birth;
- c. seniority dates which may be used for purposes of progression, demotion, lay-off or recall;
- d. date of hire;
- e. date and reason for termination;
- f. temporary job assignments, and the initial dates of such assignments;
- g. all rates of pay;
- h. relative standing or position;
- i. dates of transfer between divisions or branches;
- j. level of education: formal, vocational, professional seminars and certifications;
- k. previous work experience, training, or qualifications prior to hire, or acquired while employed;
- l. requests or bids for promotion or transfer;
- m. refusals to promote;
- n. gross earnings for each year;
- o. earnings for each pay period;
- p. payroll records.

**Supplemented Interrogatory 2**

Describe GDB's Information Technology infrastructure, including: manufacturer, model number, operating system, input/output devices, and other peripherals.

**Supplemented Interrogatory 3**

Describe GDB's network infrastructure, with attention to the following:

- a. operating system;
- b. configuration of network servers and workstations;
- c. communications and connectivity capabilities for each computer;
- d. computers that have been used to store, receive or generate data related to the subject matter of this litigation.

**Supplemented Interrogatory 4**

Identify and describe all software programs that have been, or are currently, in use by GDB, including desktop productivity tools, integrated Enterprise Resource Management Systems, and Database Management Systems.

**Supplemented Interrogatory 5**

List all email and corporate level messaging systems in use by GDB, giving particular attention to:

- a. hardware that has been used or is currently in use as a communication server or mailbox repository;
- b. specific type of hardware form which connectivity is allowed, including home PCs, laptops, desktops, cell phones, personal digital assistants;
- c. all users known to have generated email related to the subject matter of this litigation;
- d. all email known to reference or are relevant to the subject matter of this litigation;
- e. extraction methods and key-word definitions utilized to retrieve the above information.

**Supplemented Interrogatory 6**

List all security and authentication policies for all networks and applications previously identified, together with any formal procedures for determining proper user authentication, and attribution and transaction authorization.